

THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DONALD D. PRIMUS,

No. C 06-06513 SBA

Plaintiff,

**ORDER**

v.

JO ANNE B. BARNHART,  
COMMISSIONER of Social Security,

Defendant.

On October 18, 2006, plaintiff filed a complaint [Docket No. 1] and a Motion for Leave to Proceed *in forma pauperis* [Docket No. 3] (“IFP Application”). On October 30, 2006, this Court denied plaintiff’s IFP Application [Docket No. 6]. In the order, the Court found that plaintiff’s IFP Application was “incomplete, contradictory, and confusing” and held that the action would be dismissed without further notice if plaintiff failed to file an amended IFP Application or pay the requisite filing fee within 30 days of the date of the order (the order was dated October 30, 2006).

Thirty-one days later, on November 30, 2006, plaintiff filed a Letter re Request to Waive Court Filing Fees [Docket No. 7].

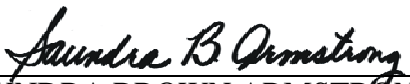
According to the Civil Local Rules, “any person wishing the Court to authorize prosecution of the action without payment of fees or security, pursuant to 28 United States Code § 1915, must submit, with the proposed complaint, an Ex Parte Motion to Proceed In Forma Pauperis...” Civil L.R. 3-10(a). Under 28 U.S.C. § 1915, a person requesting commencement of an action without payment of filing fees must submit an affidavit that includes a statement: 1) of all assets such person possesses; and 2) that the person is unable to pay such fees or give security therefor. *See* 28 U.S.C. § 1915. While plaintiff’s Letter requesting a waiver of the filing fee states that he is unable to pay, it does not include a statement

1 of all of his assets and, therefore, does not comply with the requirements set forth in the Local Rules and  
2 28 U.S.C. § 1915. Plaintiff's request to waive the requisite filing fee is therefore DENIED without  
3 prejudice.

4 Within thirty (30) days of entry of this Order, plaintiff must either: A) submit an amended  
5 motion to proceed in forma pauperis pursuant to Civil Local Rule 3-10; or B) pay the requisite filing  
6 fee. Otherwise, this action will be dismissed without prejudice without further notice to plaintiff.

7  
8 IT IS SO ORDERED.

9 Dated: 6/10/08

10   
SAUNDRA BROWN ARMSTRONG  
United States District Judge

United States District Court  
For the Northern District of California

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

DONALD D. PRIMUS,  
  
Plaintiff,

Case Number: CV06-06513 SBA  
  
**CERTIFICATE OF SERVICE**

v.  
  
JOANNE BARNHART et al,  
  
Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on June 11, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Donald D. Primus  
2001 Eastwood Dr.  
#13  
Vacaville, CA 95687-6175

Dated: June 11, 2008

Richard W. Wieking, Clerk  
By: LISA R CLARK, Deputy Clerk